401 KAR 5:045. Treatment requirements; compliance; biochemically degradable wastes.

RELATES TO: KRS 224.10-100, 224.70-100, 224.70-110

STATUTORY AUTHORITY: KRS 224.10-100(19), (21)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(19) requires the cabinet to issue, continue in effect, revoke, modify, suspend, or deny permits to discharge into waters of the Commonwealth. KRS 224.10-100(21) authorizes the cabinet to require technological levels of treatment and effluent limitations. This administrative regulation establishes minimum treatment requirements, requires all persons discharging pollutants through point sources to apply these measures, or more stringent as required, to comply with water quality standards, and requires a minimum of secondary treatment or best conventional pollutant control technology for a facility that receives biochemically degradable wastes.

Section 1. Treatment Requirements. (1) This administrative regulation shall apply to all discharges to surface waters of the Commonwealth as defined by 401 KAR 10:001.

(2) All persons who discharge through a point source shall, as a minimum, apply the secondary treatment, or equivalent, considering the:

(a) Total cost of the application of such technology in relation to the effluent reduction benefits to be achieved;

(b) Age of the equipment and facilities involved;

(c) Process employed;

(d) Engineering aspects of the application of various types of control techniques; and

(e) Nonwater quality environmental impact.

(3) All persons who discharge through a point source shall apply the best available waste control technology, or equivalent, considering:

(a) The factors in subsection (2) of this section;

(b) Any operating and maintenance procedures;

(c) Schedules and prohibitions of activities; and

(d) Other management practices to control site run-off, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

(4) The cabinet may deny, revoke, or modify a permit to any applicant if the discharge does not comply with KRS 224.70-100.

Section 2. Biochemically Degradable Wastes; Treatment. (1) A facility that receives an influent that is biochemically degradable and discharges into waters of the Commonwealth shall provide a minimum of secondary treatment to that influent prior to its discharge.

(2) A facility subject to treatment requirements established in 401 KAR 5:080, Section 2 shall be exempt from the requirements of this administrative regulation.

Section 3. Secondary Treatment of Biochemically Degradable Wastes. Secondary treatment shall be the degree of treatment that results in an effluent quality that complies with the minimum requirements established in this section. (1) Biochemical oxygen demand, five (5) days.

(a) The arithmetic mean of the values for effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean of the values for effluent samples collected during a period of seven (7) consecutive days shall not exceed forty-five (45) milligrams per liter.

(2) Suspended solids.

(a) The arithmetic mean of the values for suspended solids in effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean of values for suspended solids in effluent samples collected during a period of seven (7) consecutive days shall not exceed forty-five (45) milligrams per liter.

Section 4. Continuation of a Permit. A person responsible for an existing facility that receives biochemically degradable influent and discharges into waters of the Commonwealth shall apply for a permit to continue to discharge to the waters of the Commonwealth not later than 180 days prior to the expiration of the current permit. (1 Ky.R. 763; 1383; eff. 7-2-1975; 2 Ky.R. 500; eff. 5-12-1976; 10 Ky.R. 430; 888; eff. 2-1-1984; TAm eff. 8-9-2007; 36 Ky.R. 2112-M; 37 Ky.R. 44; eff. 8-5-2010; 44 Ky.R.2610; 45 Ky.R. 1008; eff. 11-1-2018.)